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Report of the International Court of Justice

The situation in the Middle East

Implementation of the resolutions of the United Nations

Letter dated 9 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I write to you today in my capacity as the Chairman of the Arab Group at the United Nations for the month of December 2002 and on behalf of the States Members of the League of Arab States. In this regard, I wish to address in specific the issue of the City of Jerusalem, a central issue for all of the Members of the Arab Group.

Recently, the General Assembly, on 3 December 2002, once again adopted a resolution reaffirming basic and enduring principles with regard to Jerusalem. In reflection of the importance ascribed by the whole of the international community to this issue as well as the international consensus on the issue, the overwhelming majority of Member States voted in support of the resolution. In this regard, resolution 57/111, entitled "Jerusalem" and adopted under agenda item 36, "The situation in the Middle East", received a total of 154 votes in favour, 5 against and 6 abstentions. That resolution, inter alia, recalls relevant Security Council resolutions, including resolution 478 (1980) of 20 August 1980. It also reaffirms the legitimate interest of the international community in the question of the City of Jerusalem and the protection of the unique spiritual and religious dimension of the City, as foreseen in relevant United Nations resolutions. Significantly, the resolution reiterates the determination of the Assembly that any actions taken by Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are illegal and therefore null and void. Moreover, it stresses that a just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion of its inhabitants as well as permanent, free and unhindered access to the holy places by the people of all religions and nationalities.

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With regard in specific to the vote on the above-mentioned resolution, the Members of the Arab Group were greatly disappointed by the change in the position of one country in particular, the United States of America, from an abstention to a negative vote on the resolution. The relevance of the position taken by the United States on the issue of Jerusalem cannot be underestimated, particularly in light of its role as a major player in, and main sponsor of, the Middle East peace process. As such, this change in vote is of concern to the Members of the Arab Group. Moreover, this position, taken in violation of relevant Security Council resolutions and relevant provisions of international law, could potentially harm future efforts to reach a peaceful solution of the question of Jerusalem based on principles of international law as well as justice and equity.

The Members of the Arab Group believe that the issue of Jerusalem requires close scrutiny and serious follow-up by both the Secretary-General and the Security Council, including with regard to respect for and the implementation of relevant resolutions. For its part, the Arab Group will closely monitor the situation as well as the impact of any change in position. This shall include, if necessary, the invoking of the available international mechanisms to ensure compliance with international law and relevant Security Council resolutions.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the General Assembly, under agenda items 13, 36 and 50.

(*Signed*) Ahmed A. **Own**
Chairman of the Arab Group
Chargé d'affaires a.i.